

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F040111      State of California et al. v. Superior Court, County of Kings; Bodde**

This court's August 1, 2002 stay of further proceedings in the trial court is vacated. The order to show cause is discharged. The petition for writ of mandate is denied. Ardaiz, P.J.

We concur: Vartabedian, J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

**F038614      People v. Gupton et al.**

With respect to defendant Avila, the judgment of conviction is affirmed; the judgment of sentence is reversed and the matter remanded with directions to strike one of the prior prison term enhancements imposed on count 1, vacate the true finding, and dismiss the allegation. The true finding on the third such enhancement allegation in count 1, and the true findings on all three such allegations in counts 3 and 4, likewise must be vacated and the allegations dismissed.

Judgment as to defendant Gupton is affirmed. Buckley, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041531      In re Emmanuelle S. et al., Minors.**

No brief having been filed within the extended time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F041152      In re Raymond H., a Minor**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F038980      People v. Marquez et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F039500      People v. Martin**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F041762      People v. Pagala**

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.